

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

Ent 147079 Bk 210 Pg 53  
Date: 08-MAY-2008 3:27PM  
Fee: None  
Filed By: CB  
COLLEEN BRINKERHOFF, Recorder  
WAYNE COUNTY  
For: GOVERNOR OF STATE OF UTAH

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Wayne County as it pertains to the highway located in Wayne County known as COAL MINE PIT ROAD; County Road Number: 91\_1; State Geographic Information Database (SGID) Road Identification Number: RD280369. Total road length is 1.74 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23<sup>rd</sup> day of April, 2008.

By the Governor's Designee



John Harja

### CERTIFICATION

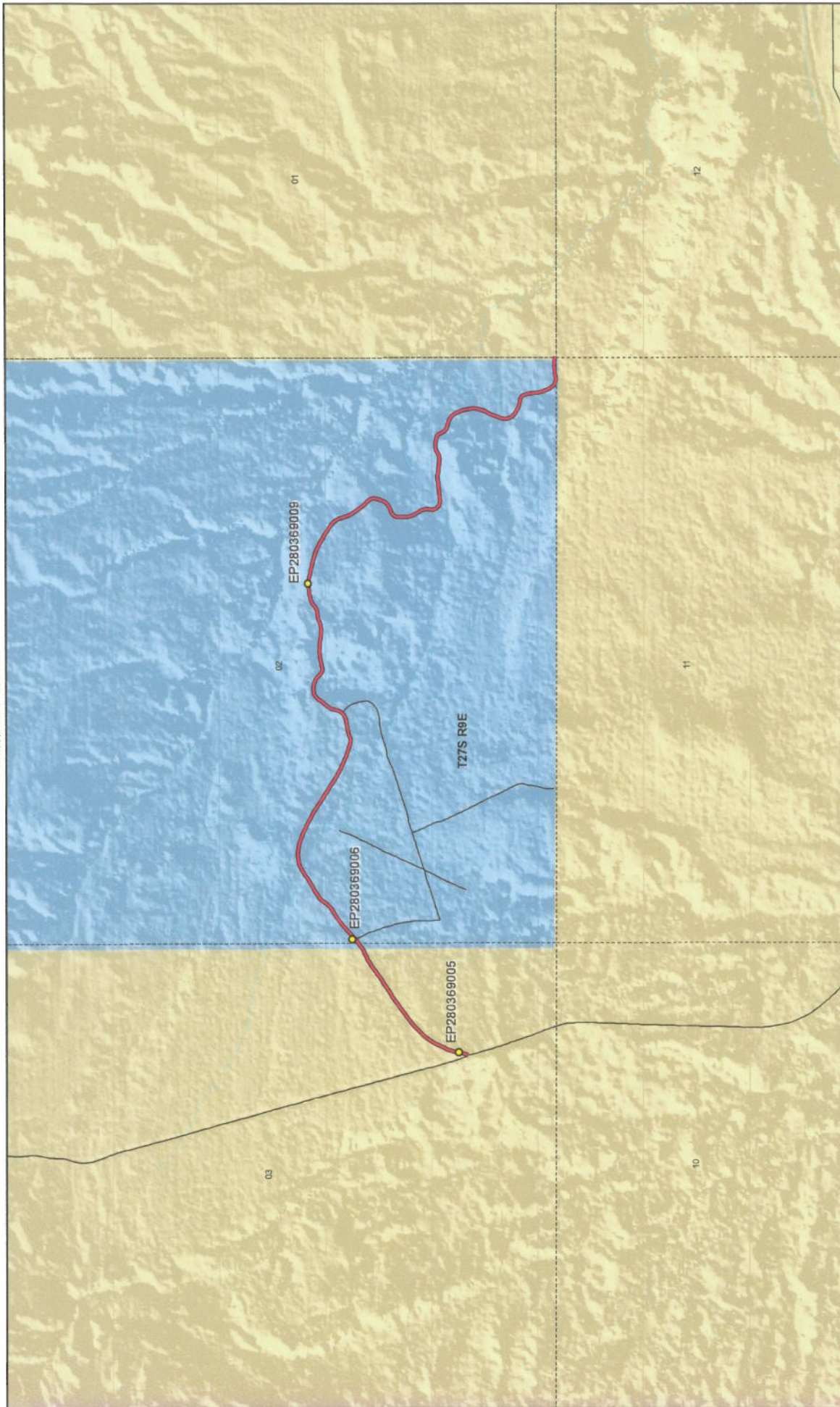
State of Utah                     )  
  : ss  
County of Salt Lake         )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 23<sup>rd</sup> day of April, 2008.



Pamela Z. Blackham  
Notary Public





1:14,449  
1 inch equals 0.2 miles



**COAL MINE PIT ROAD - Wayne County**  
**SGID RD\_ID RD280369**

Land Ownership Categories		Transportation Network	
BLM	Wilderness	COAL MINE PIT ROAD	
Private	UDWR Wildlife Reserve	Other Roads	
SITLA, State Trust Land	DOD Military	Title V, Issued Or Under Consideration By BLM Or County	
USFS, National Forest	State Sovereign Land	Photo Event Point	
State Parks and Recreation	National Recreation Area		
Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge		
NPS, National Park			

Section = 1 Mile

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Mar 24, 2008



**Attachment 2**



EP280369005



EP280369006



EP280369009

EP000000000

EP000000000

EP000000000

**COAL MINE PIT ROAD - Wayne County  
SGID RD\_ID RD280369**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
March 19, 2008



### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: COAL MINE PIT ROAD**

**County: Wayne**

**County Road Number: 91\_1**

**State Geographic Information Database (SGID) Road Identification Number: RD280369.**

**Total Road Length: 1.74 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 29 minutes 09.85 seconds North Latitude and -110 degrees 55 minutes 10.57 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,806,559.7 feet and Y = 10,505,522.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 29 minutes 01.97 seconds North Latitude and -110 degrees 53 minutes 51.48 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,812,853.6 feet and Y = 10,504,765.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 27 South Range 9 East, Section(s) 1,2,3, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: COAL MINE PIT ROAD**

**County: Wayne**

**County Road Number: 91\_1**

**State Geographic Information Database (SGID) Road Identification Number: RD280369.**

**Total Road Length: 1.74 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD280369</b>	<b>001</b>	<b>BLM</b>	<b>0.27 Miles</b>	<b>A</b>
<b>RD280369</b>	<b>002</b>	<b>ST</b>	<b>1.47 Miles</b>	<b>(not shown)</b>
<b>RD280369</b>	<b>003</b>	<b>BLM</b>	<b>0.01 Miles</b>	<b>B</b>
		<b>Total Road Length</b>	<b>1.74</b>	<b>—————</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## **Attachment 5**

**AFFIDAVIT OF JOHN D. JACKSON**

**COAL MINE PIT ROAD**

**WAYNE COUNTY, UTAH**

**ROAD NUMBER 91\_1**

State of Utah                     )  
  : ss.  
County of Wayne                 )

JOHN D. JACKSON, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Wayne County, Utah. I have lived in Wayne County for 58 years.

2.       I have traveled and am familiar with a road in Wayne County known as Coal Mine Pit Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1960s, it followed the same route as in 2007 when I last observed it. Attached is a Wayne County map showing Coal Mine Pit Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.       I am informed that the County also identifies this road according to the road number listed above.

4.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the mid 1960s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the mid 1960s to 2007, I have used the road myself for livestock operations, hunting and trapping.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: prospecting for minerals, mining, rock hounding, recreation and traveling in and through the area.

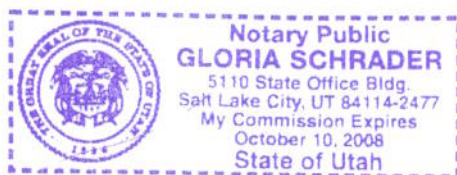
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road.

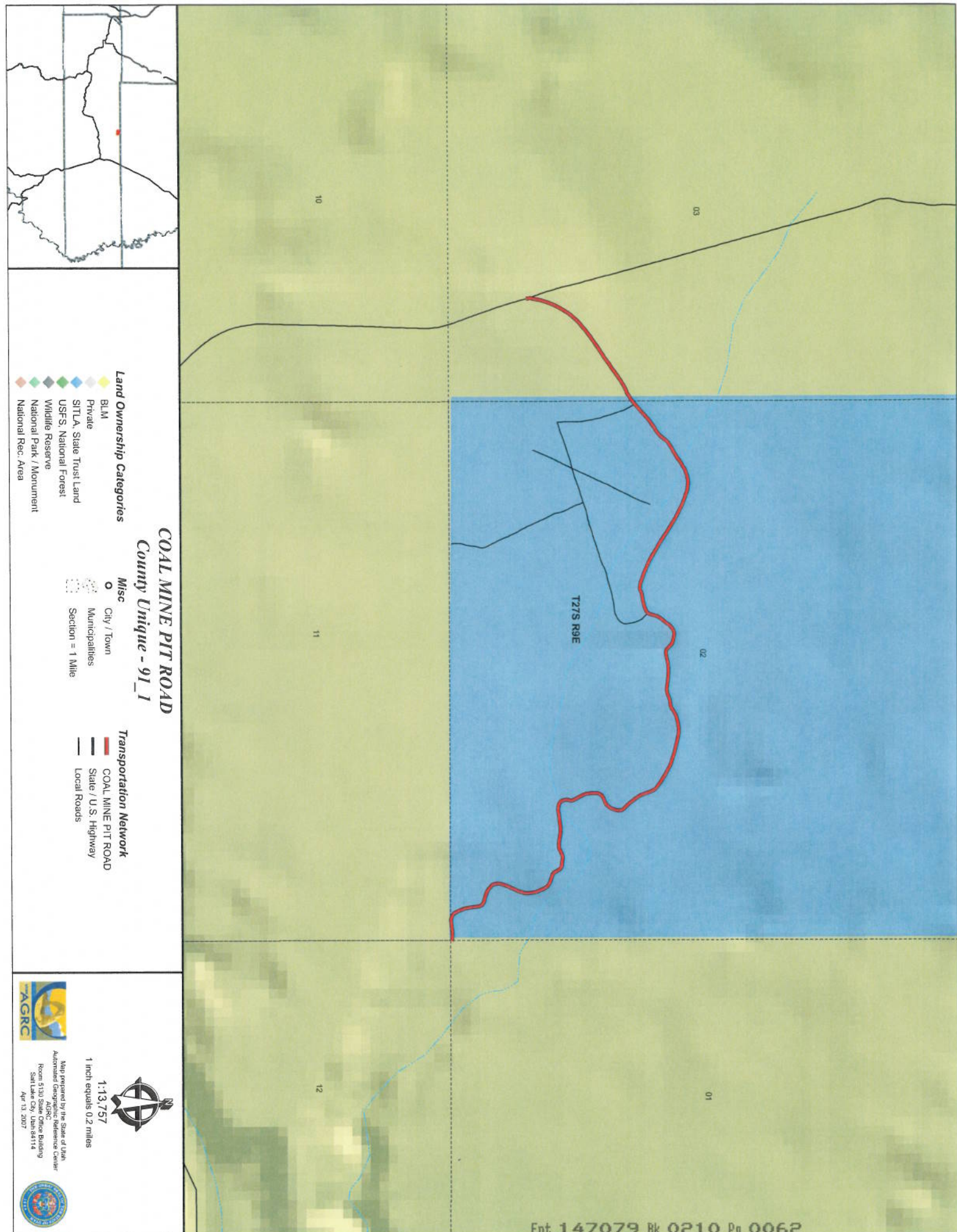
DATED this 19 day of April, 2007.

  
\_\_\_\_\_  
JOHN D. JACKSON

SUBSCRIBED AND SWORN to before me this 19th day of April, 2007.



  
\_\_\_\_\_  
NOTARY PUBLIC



**COAL MINE PIT ROAD**  
**County Unique - 91\_1**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park / Monument
- National Rec. Area

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile

**Transportation Network**

- COAL MINE PIT ROAD
- State / U.S. Highway
- Local Roads



1:13,757  
 1 inch equals 0.2 miles

Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Apr 13, 2007



**AFFIDAVIT OF DENNIS EKKER**

**COAL MINE PIT ROAD**

**WAYNE COUNTY, UTAH**

**ROAD NUMBER 91\_1**

State of Utah                     )  
  : ss.  
County of Wayne                )

DENNIS EKKER, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Wayne County, Utah. I have lived in Wayne County for almost 73 years.

2. I have traveled and am familiar with a road in Wayne County known Coal Mine Pit Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Wayne County map showing Coal Mine Pit Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the early 1950s to 2007, I have used the road myself for prospecting for minerals and hunting.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: rock hounding, oil and gas exploration, mining, government access, tourism, recreation, traveling in and through the area.

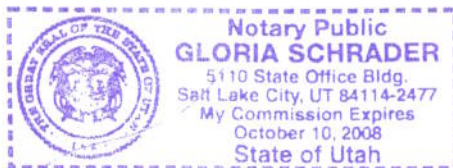
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

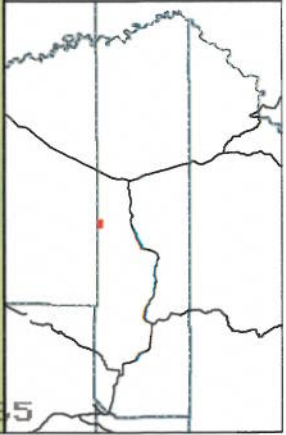
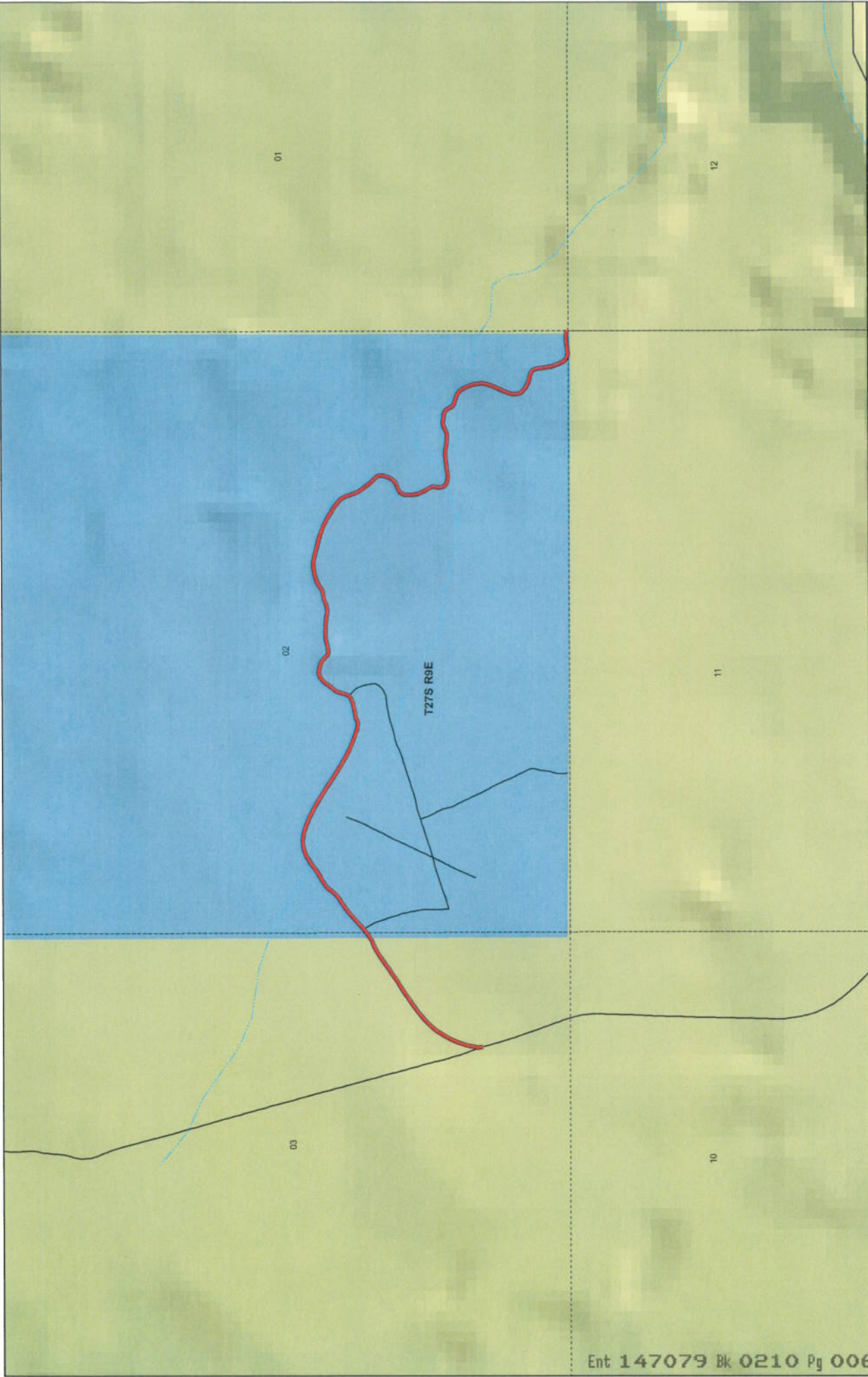
DATED this 19 day of April, 2007.

  
DENNIS EKKER

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of April, 2007.



  
NOTARY PUBLIC



# **COAL MINE PIT ROAD** **County Unique - 91\_1**

- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest
  - Wildlife Reserve
  - National Park / Monument
  - National Rec. Area

- Misc**
- City / Town
  - Municipalities
  - Section = 1 Mile

- Transportation Network**
- COAL MINE PIT ROAD
  - State / U.S. Highway
  - Local Roads



1:13,757  
 1 inch equals 0.2 miles



Map prepared by the State of Utah  
 Automated Geographic Information Center  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Apr 13, 2007

## Appendix A to Attachment 4

**Popular Name: COAL MINE PIT ROAD**

**County: Wayne**

**County Road Number: 91\_1**

**State Geographic Information Database (SGID) Road Identification Number: RD280369.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.27 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 27 South Range 9 East, Section(s) 3, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (COAL MINE PIT ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 29 minutes 09.85 seconds North Latitude and -110 degrees 55 minutes 10.57 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,806,559.7 feet and Y = 10,505,522.7 feet; thence the following courses along the said road center line:

thence North 15 Degrees 49 Minutes 19 Seconds East	28.4 feet
thence North 08 Degrees 11 Minutes 00 Seconds East	22.2 feet
thence North 09 Degrees 31 Minutes 40 Seconds East	25 feet
thence North 13 Degrees 02 Minutes 01 Seconds East	32.7 feet
thence North 16 Degrees 10 Minutes 43 Seconds East	33.5 feet
thence North 18 Degrees 20 Minutes 38 Seconds East	27.7 feet
thence North 19 Degrees 49 Minutes 50 Seconds East	21 feet
thence North 23 Degrees 07 Minutes 23 Seconds East	21.5 feet
thence North 23 Degrees 19 Minutes 25 Seconds East	28.7 feet
thence North 24 Degrees 52 Minutes 04 Seconds East	36.3 feet
thence North 26 Degrees 41 Minutes 24 Seconds East	39 feet

thence North 31 Degrees 22 Minutes 11 Seconds East 36.3 feet  
 thence North 32 Degrees 32 Minutes 05 Seconds East 43 feet  
 thence North 37 Degrees 11 Minutes 28 Seconds East 48 feet  
 thence North 41 Degrees 55 Minutes 12 Seconds East 52.7 feet  
 thence North 46 Degrees 17 Minutes 08 Seconds East 50.2 feet  
 thence North 48 Degrees 21 Minutes 31 Seconds East 47.2 feet  
 thence North 51 Degrees 35 Minutes 12 Seconds East 42.5 feet  
 thence North 53 Degrees 01 Minutes 12 Seconds East 38.5 feet  
 thence North 52 Degrees 17 Minutes 20 Seconds East 35.1 feet  
 thence North 54 Degrees 09 Minutes 24 Seconds East 31.1 feet  
 thence North 53 Degrees 04 Minutes 23 Seconds East 30.3 feet  
 thence North 54 Degrees 09 Minutes 24 Seconds East 28.2 feet  
 thence North 55 Degrees 24 Minutes 27 Seconds East 26.2 feet  
 thence North 54 Degrees 09 Minutes 24 Seconds East 25.4 feet  
 thence North 58 Degrees 08 Minutes 35 Seconds East 22 feet  
 thence North 55 Degrees 46 Minutes 37 Seconds East 22.9 feet  
 thence North 56 Degrees 57 Minutes 33 Seconds East 21.9 feet  
 thence North 58 Degrees 08 Minutes 35 Seconds East 22 feet  
 thence North 56 Degrees 15 Minutes 16 Seconds East 20.8 feet  
 thence North 58 Degrees 13 Minutes 03 Seconds East 18.9 feet  
 thence North 53 Degrees 40 Minutes 01 Seconds East 26.8 feet  
 thence North 55 Degrees 39 Minutes 44 Seconds East 30.5 feet  
 thence North 55 Degrees 03 Minutes 12 Seconds East 21.9 feet  
 thence North 56 Degrees 17 Minutes 11 Seconds East 37 feet  
 thence North 55 Degrees 06 Minutes 07 Seconds East 23.1 feet  
 thence North 55 Degrees 45 Minutes 03 Seconds East 20.6 feet  
 thence North 54 Degrees 09 Minutes 24 Seconds East 19.8 feet  
 thence North 52 Degrees 49 Minutes 28 Seconds East 26.3 feet  
 thence North 55 Degrees 16 Minutes 33 Seconds East 21.5 feet  
 thence North 55 Degrees 47 Minutes 53 Seconds East 25.3 feet  
 thence North 55 Degrees 50 Minutes 36 Seconds East 32.4 feet  
 thence North 58 Degrees 55 Minutes 54 Seconds East 32.1 feet  
 thence North 64 Degrees 35 Minutes 53 Seconds East 28.6 feet  
 thence North 65 Degrees 56 Minutes 41 Seconds East 26.9 feet  
 thence North 64 Degrees 48 Minutes 50 Seconds East 25 feet  
 thence North 58 Degrees 59 Minutes 41 Seconds East 24.4 feet  
 thence North 57 Degrees 57 Minutes 39 Seconds East 3.9 feet more or less to **the ending point**

at: 38 degrees 29 minutes 19.28 seconds North Latitude and -110 degrees 54 minutes 58.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,807,510.4 feet and Y = 10,506,482.6 feet.

## Appendix B to Attachment 4

**Popular Name: COAL MINE PIT ROAD**

**County: Wayne**

**County Road Number: 91\_1**

**State Geographic Information Database (SGID) Road Identification Number: RD280369.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.01 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 27 South Range 9 East, Section(s) 1, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (COAL MINE PIT ROAD)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 29 minutes 02.02 seconds North Latitude and -110 degrees 53 minutes 51.84 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,812,825.1 feet and Y = 10,504,771.0 feet; thence the following courses along the said road center line:

thence South 78 Degrees 23 Minutes 25 Seconds East 21.2 feet

thence South 78 Degrees 23 Minutes 31 Seconds East 7.9 feet more or less to **the ending point**  
**at:** 38 degrees 29 minutes 01.97 seconds North Latitude and -110 degrees 53 minutes 51.48 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,812,853.6 feet and Y = 10,504,765.2 feet.